

REMARKS

The Office Action dated October 16, 2007, has been received and carefully considered. Reconsideration of the outstanding election/restriction requirement in the present application is respectfully requested based on the following remarks.

I. THE ELECTION/RESTRICTION REQUIREMENT

On page 2 of the Office Action, the Examiner asserts that the present application contains claims directed to two patentably distinct inventions: claims 1-7 directed to credit transfers; and claims 8-10 directed to telephonic communications.

The Applicant hereby respectfully traverses this election/restriction requirement, and hereby requests that the Examiner reconsider and withdraw this election/restriction requirement. As required, however, the Applicant provisionally elects claims 1-7 for prosecution in the event that this election/restriction requirement is made final.

Under 35 U.S.C. § 121, restriction is appropriate if two or more independent and distinct inventions are claimed in one application. As set forth in MPEP § 802.01, inventions are independent if there is no disclosed relationship between the two or more subjects disclosed, and inventions are distinct if

two or more subjects as disclosed are capable of separate manufacture, use, or sale as claimed.

On page 2 of the Office Action, the Examiner attempts to explain how the claimed method as recited in claims 1-7 is distinct from the claimed method as recited in claims 8-10. However, the Examiner fails to explain how the claimed method as recited in claims 1-7 is independent from the claimed method as recited in claims 8-10. That is, both the claimed method as recited in claims 1-7 and the claimed method as recited in claims 8-10 are directed to processing electronic transactions. Indeed, the Examiner acknowledges that the claimed method as recited in claims 1-7 and the claimed method as recited in claims 8-10 are related. Thus, the claimed method as recited in claims 1-7 and the claimed method as recited in claims 8-10 are related and are not independent from each other.

Also, please note that the present application was filed as International Patent Application No. PCT/PL2003/000129 (International Patent Application Publication No. WO2004/049271). The European Patent Office acted as IPEA in the process of examination has not challenged the unity of the invention (see International Preliminary Examination Report for the above-referenced International Patent Application No. PCT/PL2003/000129). Furthermore, no other National Patent Office from the 24 countries in which International Patent

Application No. PCT/PL2003/000129 entered the regional or national phase has raised the issue of invention unity in their process of examination. Additionally, claims 1-7 refer to actions effected via electronic terminals, while claims 8-10 refer to phones as a special case for the electronic terminals of claims 1-7. A phone is a variant of an electronic terminal, and is used in claims 8-10 in such a manifestation. Thus, claims 1-7 are directed to a method of accounting electronic transactions via electronic terminals and, as a special case, claims 8-10 are directed to a method of effecting electronic transactions via phone. Thus, the present application does not claim two independent and distinct inventions.

Accordingly, in view of the foregoing, it is respectfully submitted that the election/restriction requirement is improper, and the withdrawal of such election/restriction requirement is respectfully requested.

II. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the

present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this communication to Deposit Account No. 50-0206, and please credit any excess fees to such deposit account.

Respectfully submitted,

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